

# **EXHIBIT 3**

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SIMON AND SIMON, PC d/b/a CITY SMILES and VIP DENTAL SPAS,  
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,

Defendant.

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Case No.: 3:20-cv-03754-VC

**[PROPOSED] STIPULATED ORDER  
REGARDING AMENDED CASE  
SCHEDULE AS MODIFIED**

WHEREAS, on May 5, 2021, Plaintiffs Simon And Simon, PC d/b/a City Smiles and VIP Dental Spas (“Plaintiffs”) and Defendant Align Technology Inc. (“Defendant,” collectively with Plaintiffs, the “Parties”), having met and conferred, filed an Updated Joint Case Management Statement, Rule 26(f) Statement, and [Proposed] Order that included a Jointly Proposed Schedule as Attachment A (ECF Nos. 99 and 99-1, respectively);

WHEREAS, on May 12, 2021, the Parties attended a case management conference with the Court at which the Court ordered the Parties to make certain changes to the Jointly Proposed Schedule, including adding case management conferences approximately every four (4) months (with joint case management statements due seven (7) days in advance), and combining all summary judgment and *Daubert* briefing into single documents when such documents are to be filed at the same time (with any motions proposing changes to the page limits to be submitted to the Court in advance of the filing deadlines for such combined briefs);

NOW THEREFORE, the Parties, by and through their respective counsel, hereby stipulate and agree to the terms of this Amended Jointly Proposed Schedule as follows:

**Amended Jointly Proposed Schedule**

<b>Proposed Date</b>	<b>Event</b>
5/5/2021	Joint CMC Statement due
5/12/2021	Case Management Conference <sup>1</sup>
7/25/2021	Deadline to begin rolling production of documents in response to Requests for Production served on or before January 15, 2021 <sup>2</sup>
8/24/2021	Deadline to complete production of structured data in response to Requests for Production served on or before January 15, 2021
9/15/2021	Joint CMC Statement due
9/22/2021	Case Management Conference
1/12/2022	Joint CMC Statement due
1/19/2022	Case Management Conference
2/13/2022	Deadline to complete production of documents in response to Requests for Production
3/11/2022	Deadline to complete initial ADR
5/11/2022	Joint CMC Statement due
5/18/2022	Case Management Conference
7/15/2022	Deadline to complete fact discovery
8/12/2022	Deadline to serve expert reports on all issues on which a party has the burden of proof
9/14/2022	Joint CMC Statement due
9/21/2022	Case Management Conference
9/23/2022	Deadline to serve opposing expert reports

<sup>1</sup> Producing parties are to produce organizational charts (if any) and proposed custodians, non-custodial document sources, and search methodology within 21 days of the Case Management Conference.

<sup>2</sup> Privilege logs shall be served within 45 days of each production of documents from which documents were withheld based on any claim or privilege or work-product protection.

11/4/2022	Deadline to serve rebuttal expert reports
12/5/2022	Deadline to complete expert discovery
1/10/2023	Deadline to file motion for class certification and any <i>Daubert</i> motion related to class certification
1/18/2023	Joint CMC Statement due
1/25/2023	Case Management Conference
2/14/2023	Deadline to file opposition to motion for class certification and opposition to any <i>Daubert</i> motion related to class certification
3/14/2023	Deadline to file reply in support of <i>Daubert</i> motion related to class certification
3/21/2023	Deadline to file reply in support of motion for class certification
4/13/2023 5/11/2023	Hearing on motion for class certification Case Management Conference
4 weeks after decision on Class Certification	Close of residual post-certification discovery period
6/13/2023	Deadline to file motion for summary judgment and any <i>Daubert</i> motions <sup>3</sup>
7/25/2023	Deadline to file opposition to motion for summary judgment and opposition to any <i>Daubert</i> motions <sup>4</sup>
8/22/2023	Deadline to file reply in support of motion for summary judgment and in support of any <i>Daubert</i> motions <sup>5</sup>
(At the Court's convenience)	Hearing on motion(s) for summary judgment and <i>Daubert</i> motions  Final pretrial conference

<sup>3</sup> Any party filing a motion for summary judgment and a *Daubert* motion must file them as a combined brief. Any motion as to the page limits for such briefing will be taken up in advance of this deadline.

<sup>4</sup> Any party filing a brief in opposition to a motion for summary judgment and a brief in opposition to a *Daubert* motion must file them as a combined brief. Any motion as to the page limits for such briefing will be taken up in advance of this deadline.

<sup>5</sup> Any party filing a reply brief in support of a motion for summary judgment and a reply brief in support of a *Daubert* motion must file them as a combined brief. Any motion as to the page limits for such briefing will be taken up in advance of this deadline.

11/20/2023	Trial Begins
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**IT IS SO STIPULATED**, through Counsel of Record.

Dated: May 13, 2021

Respectfully Submitted,

By: /s/ Joseph R. Saveri

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Dated: May 13, 2021

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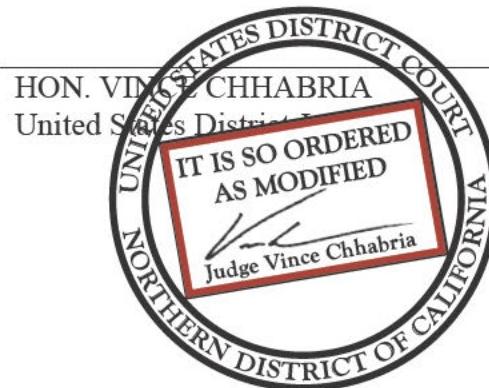
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*Attorneys for Defendant Align Technology, Inc.*

**IT IS ORDERED** that the forgoing Amended Jointly Proposed Schedule is approved.

Dated: May 18, 2021



**FILER'S ATTESTATION**

I, Joseph R. Saveri, am the ECF user whose identification and password are being used to file this [Proposed] Stipulated Order Regarding Amended Case Schedule. In compliance with L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this Joint Case Management Conference Statement has been obtained from each of the other signatories.

May 13, 2021

/s/ Joseph R. Saveri